

## Notice of Penalties and Refund of Nomination Filing Fee

*Municipal Elections Act, 1996, sections 33.1, 34, 88.23(2), 92(1)*

On June 9, 2016 *Bill 181 – The Municipal Election Modernization Act* was passed into law. The new Municipal Election Act, 1996 states the Clerk must provide you with a notice of the penalties associated with not filing the required financial statement and refund of the nomination filing fee that you are entitled to receive.

### Penalties

The *Municipal Elections Act, 1996* (Act) requires you to file a financial statement with the City Clerk by the deadline date (2 p.m., Monday, May 1, 2017). If you do not file by that date, the Act provides an additional 30 day grace period (2 p.m., Wednesday, May 31, 2017) to file a financial statement provided a \$500 late filing fee is paid at the time of filing.

Failure to comply means that you are subject to the penalties outlined below, in addition to any other penalty that may be imposed under the Act.

#### **Penalties for Non-Compliance**

##### 88.23 (2) Penalties

Subject to subsection (7), in the case of a default described in subsection (1),

- (a) the candidate forfeits any office to which he or she was elected and the office is deemed to be vacant; and
- (b) until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which this Act applies.

##### 92 (1) Offences by candidate

A candidate is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalties described in subsection 88.23 (2),

- (a) if the candidate incurs expenses that exceed the amount determined for the office under section 88.20; or
- (b) if the candidate files a document under section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section.

### Refund of Nomination Filing Fee

In previous elections, candidates would receive a refund of the nomination filing fee if they withdrew or received over 2% of the votes for the office. This no longer applies.

New legislation states a candidate can only receive a refund of the nomination filing fee if the required financial statement has been filed by the deadline date (2 p.m., Monday, May 1, 2017). You cannot receive your refund if you file within the 30 day grace period.